

the Atlantic Richfield Company was responsible for under CERCLA. EPA estimates that the value of the work to be done by the Atlantic Richfield Company is in excess of \$6.1 million.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environmental and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. the Atlantic Richfield Company, et. al.*, DJ#90-11-3-07993/3.

The Consent Decree may be examined at U.S. EPA Region 8, 999 18th Street, Suite 500, Denver, Colorado, 80202. During the public comment period, the Consent Decree, may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$20.00 for the Decree (excluding appendices), \$51 for the Decree with attachments payable to the United States Treasury.

**Robert Brook,**

*Assistant Chief, Environmental Enforcement Section, Environmental and Natural Resources Division.*

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**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA")**

Under the policy set out at 28 CFR 50.7, notice is hereby given that on November 4, 2004, the United States lodged with the United States District Court for the District of Montana a proposed consent decree ("Consent Decree") in the case of *United States v. Atlantic Richfield Company, et al.*, Civil Action No. CV-89-39-SEH. The Consent Decree pertains to certain Superfund sites within the Clark Fork River Basin in southwestern Montana that have not been the subject of prior settlements with the United States—the

Anaconda Smelter Superfund Site, the Clark Fork River Superfund Site, the Warm Springs Ponds Superfund Site, and the Butte Superfund Site, (collectively, the "Remaining Clark Fork Site").

The proposed settlement would resolve the claims brought by the United States against ARCO under section 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9607, for the recovery of response costs previously paid by EPA, through July 31, 2002, with accrued interest, in responding to releases and threatened releases of hazardous substances at the Remaining Clark Fork Sites. The Consent Decree would simultaneously resolve, subject to certain reservations, most of the defenses and all of the counterclaims asserted by ARCO against the United States for the past cost claims at the Remaining Clark Fork Sites, as well as the future response costs and future response actions at these sites.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environmental and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. ARCO*, DOJ Case Number 90-11-2-430.

The proposed Consent Decree may be examined at the office of the United States Attorney for the District of Montana, 2929 Third Avenue North, Suite 400, Billings, Montana 59101, and at U.S. EPA Region VIII Montana Office, Federal Building, 10 West 15th Street, Suite 3200, Helena, Montana 59624. During the public comment period, the Consent Decree, may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy of the Consent Decree, please reference *United States v. ARCO*, DOJ Case Number 90-11-2-430, and enclose a check in the amount of \$10.00

(25 cents per page reproduction costs) payable to the U.S. Treasury.

**Robert D. Brook,**

*Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

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**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Consent Decree Under Comprehensive Environmental Response, Compensation and Liability Act**

Under 28 CFR 50.7, notice is hereby given that on October 25, 2004, a proposed Consent Decree in *United States v. Esso Standard Oil Co. S.A. Ltd.*, Civil Action No. 2004/0139, was lodged with the United States District Court for the District of Virgin Islands.

In this action, the United States asserted claims against Esso Standard Oil Co. S.A. Ltd. (Esso) under Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9607(a), for recovery of response costs incurred regarding the Tutu Wellfield Superfund Site, in St. Thomas, USVI (Site). The proposed consent decree embodies an agreement with Esso to pay \$3 million of response costs. The decree provides Esso with a covenant not to sue under Section 107(a) of CERCLA.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environmental and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Esso Standard Oil Co. S.A. Ltd.*, D.J. 90-11-3-1510/1.

The Consent Decree may be examined at the Office of the United States Attorney, 1108 King Street, Suite 201, Christensted, St. Croix, VI 00820, and at the Region II Office of the U.S. Environmental Protection Agency, Region II Records Center, 290 Broadway, 17th Floor, New York, NY 10007-1866. During the public comment period, the Consent Decree also may be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 2004-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone